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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000685

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER
LONDON FOR C. GURNEY
PARIS FOR C. NEARY
NAIROBI FOR T. PFLAUMER

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TAGS: [PGOV](#) [ZI](#)

SUBJECT: LIKELIHOOD OF A TWO-THIRDS MAJORITY LOW

REF: A. HARARE 656

[B](#). HARARE 648

[C](#). 02 HARARE 2478

[D](#). 02 HARARE 2354

Classified By: POLITICAL OFFICER KIMBERLY JEMISON FOR REASONS 1.5 (B) A
ND (D).

Summary

[1](#). (C) The Movement for Democratic Change party (MDC) victory in the Kuwadzana and Highfield by-elections held on March 29 and 30 is a blow to the Zimbabwe African National Unity Patriotic Front,s (ZANU-PF) plans to engineer a two-thirds majority in Parliament needed to change the constitution. ZANU-PF will have to step up its campaign of harassment into exile or arrests of MDC MPs, pry loose at least three more seats to contest (in addition to two currently vacated seats), and win the subsequent by-elections if it is to achieve this goal. The likelihood that this confluence of events will occur is low, particularly if the by-elections are in urban areas, and ZANU-PF may have to come up with an alternative plan. End summary.

Two-thirds is a Long Shot

[2](#). (U) The Movement for Democratic Change party (MDC) victory in the Kuwadzana and Highfield by-elections held on March 29 and 30 is a blow to the Zimbabwe African National Unity Patriotic Front,s (ZANU-PF) plans to engineer a two-thirds majority in Parliament needed to change the constitution. ZANU-PF currently holds 93 seats, the MDC holds 54, and ZANU-Ndonga, one. ZANU-PF could still manage to finagle a two-thirds majority if they win the two upcoming by-elections, and can open three more seats by convicting MDC MPs on trial or charged with felonies, and imprisoning them for six months or more. (Note: The Zimbabwe constitution states that if a Member of Parliament is convicted of a crime and sentenced to death or imprisonment for a term of six months or more, the MP will cease to exercise that function. The seat will become vacant after 30 days from the date of the sentence. End note.)

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Next By-Elections Won,t Change Balance of Power

[3](#). (U) ZANU-PF will have two more opportunities to try to bully Harare area residents into voting for the ruling party in Harare Central and Zengeza. Mike Auret, MDC MP for Harare Central, resigned in February for health reasons but a by-election date has yet to be scheduled. Tafadzwa Musekiwa,s seat will be open soon too. Musekiwa fled to the U.K. on 22 November 2002 after receiving death threats. According to the Zimbabwe constitution, an MP cannot be absent from Parliament for 21 consecutive sittings. Musekiwa,s 21 days were up on March 20. These urban area elections, where MDC garnered more than 75 percent and 73 percent of the 2000 parliamentary vote for Harare Central and Zengeza, respectively, will most likely result in MDC victories but ZANU-PF will probably employ some of its heavy-handed tactics, at least in the high-density suburb of Zengeza.

[4](#). (U) In addition to these MDC vacancies, two ZANU-PF MP positions opened up. Swithun Mombeshora, MP for Makonde and Minister of Higher and Tertiary Education, died on March 17 and a by-election will be held there. ZANU-PF suspended the MP from Chiredzi South, Aaron Baloyi, but he is appealing the decision. ZANU-PF received 61.7 percent of the vote during the 2000 elections and 71.2 during the presidential election. The results of these by-elections will most likely not change the balance of power in Parliament.

POSA - The Curse of the MDC MP

[5](#). (U) The wildcard in the parliamentary shuffle is the outcome of the many criminal charges levied against MDC MPs. Most of the charges are for alleged violations of the Public

Order and Security Act (POSA), which can carry a penalty of up to 20 years imprisonment. To date, two MDC MPs are on trial: Fletcher Dulini Ncube from Lobengula-Magwegwe and Renson Gasela from Gweru Rural. Job Sikhala, MP for St. Mary's; Nelson Chamisa, MP for Kuwadzana; Bennie Tumbare-Mutasa, MP for Seke; Moses Ndlovu, MP from Bulilimamangwe North; Gibson Sibanda, Vice President of MDC and MP from Nkulumane; Peter Nyoni, MP from Hwange East; Silas Mangono, MP from Masvingo Central; Paul Madzore, MP from Glen View; Abedinico Bhebhe, MP from Nkayi; and Austin Mupandawana, MP from Kadoma Central have at least one case pending. Chamisa, Sikhala and Madzore have more than 2 cases pending.

The following is a summary of charges levied against MDC MPs, when known, and the MDC margin of victory in the 2002 presidential election:

--Ncube is charged, along with five other MDC party officials, with the November 2001 murder of Cain Nkala, a Bulawayo area war veteran leader. The MDC received 83.4 percent of votes cast during the 2002 elections.

--Gasela is charged, along with Morgan Tsvangirai and Welshman Ncube, with treason. The MDC received 69.7 percent of the vote in 2002 but only 59.3 percent during the 2000 parliamentary elections.

--Sikhala was charged on February 24 with assaulting a police officer and thus contravening POSA. The case is remanded to June 26. The MDC got 73.4 percent of the 2000 vote and 74.5 percent of the 2002 vote.

--Chamisa, the newly elected MP for Kuwadzana, was charged on March 10 with attempting to overthrow the ZANU-PF government, in contravention of POSA. The MDC received 70.9 percent of the vote, compared to 76.9 percent in 2000 and 77.9 percent in 2002.

--Tumbare-Mutasa was charged on March 17 with discharging a firearm within 50 meters of the public, in contravention of the Firearms Act. The MDC only got 44.8 percent of the vote during the 2002 elections and 45.6 percent during the 2000 election.

--Ndlovu was charged with assaulting a war veteran sometime last year, in violation of POSA. The MDC got 57.6 percent of the vote in the 2000 elections and 56.3 percent in the 2002 election.

--Gibson Sibanda, vice-president of the MDC and MP for Nkulumane, is being charged under section 5 of POSA for his role in planning the stay-away on March 18 and 19. The MDC got 82.2 percent of the 2000 vote and 78.4 percent of the 2002 vote.

--Madzore is being charged under POSA. He has at least three cases pending. The MDC got 81.2 percent of the 2000 vote and 85.4 percent of the 2002 vote.

--Mangongo was arrested for allegedly gathering MDC activists during the March stay away. Mangongo is one of two MDC MPs from Masvingo province (out of 14) and the only one from the three Masvingo districts. The MDC got 59.8 percent of the 2000 vote and 59.6 percent of the 2002 vote.

--Mupandawana was arrested in March for allegedly destroying property during the two-day stay away. Mupandawana is one of two MDC MPs from Mashonaland West (out of 12), a ZANU-PF stronghold, and the only one from the three Kadoma districts. The MDC got 67.4 percent of the 2000 vote and 59.8 percent of the 2002 vote.

--Bhebhe and Nyoni were arrested in February for allegedly carrying offensive weapons, a violation of POSA. The MDC got 65.8 and 77.9 percent of the 2000 vote and 54.9 and 73.4 percent of the 2002 vote for Nkayi and Hwange East, respectively.

----- Questionable ZANU-PF MPs -----

16. (U) A possible glitch in ZANU-PF's quest for a two-thirds majority is the High Court ruling that nullified several election results because the elections did not occur in a free and fair environment, if ZANU-PF chooses not to ignore this. Despite the ruling, none of the ZANU-PF MPs have stepped down, arguing that because they are appealing to the Supreme Court, they do not have to. The constituencies are Buhera North, Hurungwe East, Mutoko South, Chiredzi North, Gokwe North, and Gokwe South. All are ZANU-PF. The Buhera North and Chiredzi North parliamentary elections were relatively close, with the ZANU-PF candidate garnering 53.6 and 51 percent of the vote, respectively (53.7 and 68.2 percent for the 2002 elections).

Comment

17. (C) After losing the Kuwadzana and Highfield elections, ZANU-PF effort to grab a two-thirds majority in Parliament is a long shot. As the most recent by-elections have shown, it will be very difficult for ZANU-PF to win an urban by-election, even if they resort to intimidation and vote-buying. (See Reftels) ZANU-PF would have a much better chance of taking some of the MDC's rural constituencies (Gweru rural, Seke, Bulilimangwe North, Nkayi, Kadoma, and Masvingo Central), since the margins of victory for the MDC were smaller and ZANU-PF could more discreetly manipulate the system to win these seats, using the bare-knuckle tactic they perfected in Insiza in October 2002. (See Reftels). End comment.

SULLIVAN